

McGREGOR W. SCOTT
United States Attorney
MARY L. GRAD
Assistant U.S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2763

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:05cr0113-LKK JFM
)	
Plaintiff & Respondent,)	
)	
v.)	MOTION FOR EXTENSION OF TIME
)	WITHIN WHICH TO RESPOND TO
)	DEFENDANT'S MOTION TO VACATE
SERGIO CURIEL, SR.,)	JUDGMENT UNDER 28 U.S.C. § 2255
)	
)	
Defendant and Movant.)	
)	

On September 19, 2008, this court filed an Order requiring the government to respond to defendant's Motion To Vacate Judgment Under 18 U.S.C. § 2255 on or before October 20, 2008. On October 16, 2008, the United States requested an extension of time within which to respond to the Motion to December 20, 2008. The United States had requested preparation of transcripts of proceedings held before the District Court in this case. One set of transcripts has been delivered to the United States but a critical proceeding was not included in those transcripts. The additional transcript has been ordered but has not yet been obtained by the government. The remaining transcript is essential to the government's complete and meaningful response to the instant petition. Accordingly, the government needs the additional time to receive and review the

1 additional transcript before responding to the petitioner's motion.
2 Accordingly, the government requested a further extension of time
3 January 20, 2009 to respond to the petition.

4 DATED: December 18, 2008

McGREGOR W. SCOTT
United States Attorney

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7 By: /s/ Mary L. Grad_____
MARY L. GRAD
Assistant U.S. Attorney

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9 IT IS HEREBY ORDERED that respondent's December 18, 2008
10 request for extension of time (#264) is granted; respondent's answer
11 shall be filed on or before the close of business on January 20,
12 2009. Movant's reply, if any, shall be filed thirty days
13 thereafter.

14 Dated: January 5, 2009.

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17 UNITED STATES MAGISTRATE JUDGE

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